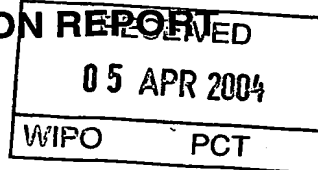


25 JAN 2005



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference J 1536 Ho	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/US 03/22316	International filing date (day/month/year) 17.07.2003	Priority date (day/month/year) 29.07.2002
International Patent Classification (IPC) or both national classification and IPC C09G1/16		
Applicant JOHNSON DIVERSEY, INC. et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 09.02.2004	Date of completion of this report 02.04.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tlx 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Puttins, U Telephone No. +49 89 2399-8661 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/US 03/22316**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-49 as originally filed

Claims, Numbers

1-9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
 - ☐ the claims, Nos.:
 - ☐ the drawings, sheets:
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US03/22316

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty and inventive step; citations and explanations supporting such statement

Reference is made to the following document:

D1: EP-A-0 879 852 (ROHM & HAAS) (1998-11-25)

1. Novelty (Art.33(2) PCT):

The subject-matter of present claims 1 to 9 is considered novel over the prior art documents cited in the International Search Report and the application, since none of the documents discloses an aqueous resin dispersion comprising a copolymer dispersed in water having the following weight ratio of the monomers: a) 1-70 wt.% of vinyl monomer units containing an alicyclic structure, b) 5-50 wt.% of vinyl monomer units containing carboxyl groups, and c) 5-90 wt.% of non-aromatic vinyl monomer units other than a) and b) (claim 1). A floor polish composition comprising this aqueous resin dispersion according to claim 3 is also not known from the prior art.

2. Inventive Step (Art.33(3) PCT):

The subject-matter of present claims 1 to 9 is based upon an inventive step, since there is no hint in document D1, which is considered to represent the closest prior art, alone or in combination with any other document cited in the International Search Report for the claimed resin dispersion for the following reasons:

D1 discloses a polish composition comprising an aqueous dispersion of a copolymer made of unsaturated monomer units (cf.D1, claims).

The composition claimed in the present claims differs from that disclosed in D1 in that the copolymer contains vinyl monomer units containing alicyclic groups.

As compared to the disclosure of D1, the problem to be solved by the present

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application may be regarded as to provide an aqueous resin dispersion useful for floor polishing compositions not containing styrene as a monomer unit and metal crosslinkers, which composition should have good gloss, black heel mark and scuff resistance, storage stability and good removability.

The applicant has shown in several examples and comparative examples that the problem posed was solved by the claimed resin dispersion and the floor polishing composition.

Since there is no teaching in D1 for the specific resin dispersion containing alicyclic monomer units and no teaching in any other document found in the International Search Report for the use of this dispersion in compositions for floor polishing, the claimed resin and the claimed composition could not be rendered obvious by document D1.

Therefore, the presence of an inventive step can be acknowledged.